

Group II: Claims 1-8, drawn in part to, and Claim 9, drawn entirely to, an aminopeptidase having the amino acid sequence set forth in SEQ ID NO:5, to a nucleic acid sequence encoding the same, including the nucleic acid sequence set forth in SEQ ID NO:4, to vectors and transformed host cells comprising the encoding nucleic acid sequence, and to a method of making the encoded aminopeptidase utilizing said vectors and host cells.

Applicants elect, with traverse, Group II, Claims 1-8, drawn in part to, and Claim 9, drawn entirely to, an aminopeptidase having the amino acid sequence set forth in SEQ ID NO:5, to a nucleic acid sequence encoding the same, including the nucleic acid sequence set forth in SEQ ID NO:4, to vectors and transformed host cells comprising the encoding nucleic acid sequence, and to a method of making the encoded aminopeptidase utilizing said vectors and host cells, for further prosecution.

At the outset, Applicants note that the Office has improperly restricted the present application under the PCT rules. The present application is a continuation (*i.e.*, a by-pass) of PCT/JP02/02476. As such, should be restricted under the rules for domestic practice (*i.e.*, 35 U.S.C. §121). Accordingly, Applicants request withdrawal of this ground of restriction.

Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office, particularly in view of the fact that Groups I and II are classified in the same subclass (class 324, subclass 219).

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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